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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/938,081	09/26/97	PURDY	P UTSD:406/BMR

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33M1/0320

EXAMINER	
LEWIS, W	
ART UNIT	PAPER NUMBER
3300	
DATE MAILED:	

03/20/98

**Please find below a communication from the EXAMINER in charge of this application.**

Commissioner of Patents

<b>Office Action Summary</b>	Application No. <b>08/938,081</b>	Applicant(s) <b>Purdy</b>
	Examiner <b>William Lewis</b>	Group Art Unit <b>3309</b>

Responsive to communication(s) filed on Sep 26, 1997

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 43 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 43 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

  
**WILLIAM LEWIS**  
**PATENT EXAMINER**  
**GROUP 3309**

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3309

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 43 is indefinite for there is not enough structure for the claimed function of permanent placement. Also, the structural relationship between the first and second elements is not clearly presented.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 43 is rejected under 35 U.S.C. 102(b) as being anticipated by Lahille et al. (US Patent 4,957,501). Lahille et al. disclose a device comprising a first element (FI) and a second element (4).

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***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Lewis whose telephone number is (703) 308-0060.

WL

March 16, 1998



WILLIAM LEWIS  
PATENT EXAMINER  
GROUP 3300